

No. 11012/8/37-Ests.(A)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

New Delhi, dated 22.6.87

OFFICE MEMORANDUM

Subject:- CCS(CCA) Rules - Suspension of Government servants involved in cases of dowry deaths.

The undersigned is directed to say that sub-rule (1) of rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 provides inter alia that a Government servant may be placed under suspension where a disciplinary proceeding against him is contemplated or is pending or where a case against him in respect of any criminal offence is under investigation, inquiry or trial. Sub-rule (2) of the same rule lays down that a Government servant shall be deemed to have been placed under suspension by an order of the appointing authority w.e.f. the date of his detention if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours.

2. As Government takes a very serious view of offences against women, Government has reviewed the provisions in the rules in regard to placing a Government servant under suspension if he is accused of involvement in a case of "dowry death" as defined in Section 304-B of the Indian Penal Code. The Section reads as follows:-

" 304-B(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harrassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation - For the purposes of this sub-section "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961."

3. If a case has been registered by the Police against a Government servant under Section 304-B of the I.P.C., he shall be placed under suspension in the following circumstances by the competent authority by invoking the provisions of sub-rule (1) of Rule 10 of the CCS(CCA) Rules, 1965:

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- (i) If the Government servant is arrested in connection with the registration of the police case, he shall be placed under suspension immediately irrespective of the period of his detention.
- (ii) If he is not arrested, he shall be placed under suspension immediately on submission of a police report under sub-section (2) of section 173 of the Code of Criminal Procedure, 1973, to the Magistrate, if the report prima-facie indicates that the offence has been committed by the Government servant.

4. Ministry of Agriculture etc. are requested to bring the above instructions to the notice of all administrative authorities under their control.

sd/-

(A. Jayaraman)
Director (E).

To

All Ministries and Departments of the Government
of India.